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The only speeches were by Lord Justice Kennedy, Professor Charles Noble Gregory and Lord Chief Justice Alverstone.

The splendid banquet in the great marble hall was followed by a reception and "concert of music."

The authorities of the port of London took many of the foreign delegates to Tilbury and back by steamer and showed them the docks and warehouses of the great city.

Representatives of the Society were most hospitably entertained also at New Castle and shown the great steel works and places of archeological interest there.

Proceeding to Liverpool they were sumptuously entertained at luncheon at the Town Hall by the Lord Mayor and were then shown the city and the famous port and in the evening were the guests of the Chamber of Commerce at a dinner at The Adelphi.

The toast of the International Law Association was responded to by Maitre Clunet in French and Prof. Gregory in English.

The Conference was throughout in attendance, in the spirit of international friendship, and in the discussion of international problems, one of the most important and successful in the history of the Association.

All the guests from abroad carried away the most agreeable and grateful recollections of English hospitality, both public and private. The exertions of Lord Justice Kennedy and Mr. Justice Phillimore were unremitting; enough can not be said moreover for the admirable arrangements made for every one by the Hon. Secretaries, Mr. George G. Phillimore and Dr. Baty, and the local committees. All arrangements were models of efficiency, hospitality, good feeling and good taste. Those in charge can not be too warmly thanked or too sincerely congratulated.

It is anticipated that the next conference will be held in Paris in 1912 under the presidency of Maitre Clunet.

May it prove as useful and delightful as that of 1910.

THE SAVARKAR CASE

It is frequently stated that, were an international court established at The Hague, it would be without business. The frequent resort to arbitration, even although a temporary tribunal has to be constituted, shows that the assertion is hardly justified by the facts. Even were a permanent court to have but few cases in the first years of its existence, this would be no valid objection against its establishment, for the Supreme

Court of the United States was a court without a suitor for a considerable time; and, indeed, the cases tried before it in the first few years of its existence were very few in number, yet no one doubts the wisdom of creating the tribunal or underestimates the services which it has performed.

Two cases were decided last year by temporary tribunals chosen from the permanent panel of the court of arbitration at The Hague, namely, the Newfoundland fisheries case to which Great Britain and the United States were parties, and the Orinoco Steamship Company case, in which the United States and Venezuela were suitors. The decision in the latter case was rendered on October 25th and before the ink was dry, one might say, Great Britain and France agreed, on the same day, to refer to arbitration at The Hague the case of Vinayak Damodar Savarkar.

The facts involved in the case are interesting, and it is well that the principle of law applicable to them be ascertained in a judicial proceeding. It would seem that Savarkar, an Indian law student, was accused of various political offenses in India, located in London, and upon hearing under the Fugitive Offenders' Act, was ordered extradited to India. He was placed on board the P. & O. steamship *Morea* at Gravesend on July 1, 1910. The vessel arrived at Marseilles a week later and Savarkar, while the vessel was in the French harbor, escaped and swam ashore. He was apprehended by a French police officer and by him surrendered to the British detectives who returned him to the vessel. It is alleged that the police officer should have handed him over the chief of the harbor police.

The facts are thus very simple. The question of law is more complicated. The French Government contends, it would seem, that the British Government had no right to bring a political fugitive within its jurisdiction without the consent of the competent authorities; and that the moment the P. & O. steamship *Morea*, a merchant vessel it should be noted, entered French waters the British authorities lost their jurisdiction over the prisoner. The question of the transit of criminals is indeed a very important one which should well be regulated by international agreement, as is the case between some countries. From the standpoint of theory, there is much to be said in favor of the French contention, inasmuch as penal laws have no extraterritorial effect. The British Government maintains, on the other hand, it would seem, that the prisoner was in the lawful custody of the British authorities; that there is

a difference between using the actual territory of a country for the transit of criminals and calling at a port in the prosecution of a voyage; that, although the British authorities momentarily lost control of the fugitive by reason of his escape, still the surrender of the fugitive by the French police officer restored Savarkar to British control, and that even although the French official should have surrendered him, the fugitive, to the chief of harbor police, Great Britain was in no way responsible for his action, and that any irregularity committed by the French official is a matter of French, not of British, concern.

The Governments of France and Great Britain have, it would appear, been unable to reach a satisfactory conclusion upon this matter, and have agreed, by an exchange of notes dated the 4th and 5th of October, 1910, "to submit to arbitration, on the one hand, the questions of fact and law raised by the arrest and restoration to the mail steamer *Morea*, at Marseilles, on the 8th July, 1910, of the Indian, Vinayak Damodar Savarkar, who had escaped from that vessel, on board of which he was in custody; and on the other hand, the demand of the Government of the Republic with a view to the restitution to them of Savarkar," and on October 25, 1910, entered into a formal agreement¹ by which an arbitral tribunal, composed of five arbitrators chosen from the members of the permanent court at The Hague, shall decide the following question, namely: "Should Vinayak Damodar Savarkar, in conformity with the rules of international law, be restored or not restored by His Britannic Majesty's Government to the Government of the French Republic?"

The tribunal is to meet at The Hague on February 14, 1911, and its sentence will be awaited with very considerable interest, because the question involved is not merely interesting in itself but important in the matter of the transit, through foreign countries, of fugitives from justice under the control of extradition officers.

THE PEACE ENDOWMENT OF MR. CARNEGIE.

Mr. Carnegie's deep and sincere interest in all measures tending to international peace has long been common knowledge, and it was well known to his numerous friends and fellow-workers that he intended to advance in a material way the cause for which he had so often raised

¹ SUPPLEMENT, p. 37.